

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

EMPLOYERS MUTUAL CASUALTY)	
COMPANY,)	
)	
Plaintiff,)	CIVIL ACTION NO:
)	2:05 -CV-01108-MEF
)	
V.)	
)	
ARNBERG & ALLEN CONSTRUCTION,)	
L.L.C.; STEPHEN D. ARNBERG,)	
JIM ALLEN, MICHAEL O. LUNSFORD)	
and DEBRA O. LUNSFORD.)	
)	
Defendants.)	

NOTICE OF FILING AFFIDAVIT OF TERRY HARDESTY
IN SUPPORT OF EMPLOYERS MUTUAL CASUALTY COMPANY'S
MOTION FOR FINAL SUMMARY JUDGMENT

COMES NOW Plaintiff, Employers Mutual Casualty Company ("EMCC"), and hereby gives notice of and files the attached affidavit of Terry Hardesty in support of EMCC's motion for summary judgment.

Respectfully submitted,

/s/James A. Kee, Jr. ASB-4314-e68j
/s/Cynthia A. Martin ASB-2044-i49c
Attorneys for Plaintiff Employers
Mutual Casualty Company

OF COUNSEL:
KEE & SELBY, L.L.P.
1900 International Park Drive
Suite 220
Birmingham, Alabama 35243
(205)968-9900 (phone)
(205)968-9909 (fax)

CERTIFICATE OF SERVICE

I do hereby certify that on December 1, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Richard H. Allen
CAPELL HOWARD, PC
P.O. Box 2069
Montgomery, Alabama 36102-2069

Robert Jackson Russell, Jr
PARNELL & CRUM, PA
P.O. Box 2189
Montgomery, Alabama 36102-2189

/s/Cynthia A. Martin ASB-2044-i49c

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)
Defendants.)

AFFIDAVIT OF TERRY HARDESTY

STATE OF ALABAMA)
)
SHELBY COUNTY)

Before me, the undersigned, a Notary Public in and for the aforesaid county and state, personally appeared Terry Hardesty, who is known to me and who, having been duly sworn by me, deposes and says:

1. My name is Terry Hardesty. I am a resident citizen of the State of Alabama. I am the claims supervisor for Employers Mutual Casualty Company (“EMCC”) at all relevant times for this claim. I am over twenty-one (21) years of age and have personal knowledge of the facts set forth in this

Exhibit

A

ACORD GENERAL LIABILITY NOTICE OF OCCURRENCE/CLAIM

PRODUCER Thompson Insurance, Inc. 2951 Zelda Road (36106) P.O. Box 11408 Montgomery AL 36111-0408 George W. Thompson, III	PHONE (A/C, No, Ext): 334-277-8970	NOTICE OF OCCURRENCE DATE OF OCCURRENCE AND TIME 10/26/04	OP ID RM 10/27/04
AGENCY CUSTOMER ID: ARNBE-1	SUB CODE:	EFFECTIVE DATE 01/01/00	EXPIRATION DATE 01/01/05
INSURED NAME AND ADDRESS Arnberg and Allen 55 Emerald Mountain Express Wetumpka AL 36093	SOC SEC #:	COMPANY EMC Companies	POLICY NUMBER 2K07242
RESIDENCE PHONE (A/C, No)	BUSINESS PHONE (A/C, No, Ext) 334 567-2001	NAIC CODE:	REFERENCE NUMBER

CONTACT NAME AND ADDRESS JIM ALLEN RESIDENCE PHONE (A/C, No)	CONTACT INSURED (334) 514-1176 ARLEY BUSINESS PHONE (A/C, No, Ext)	WHERE TO CONTACT	WHEN TO CONTACT
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OCCURRENCE

LOCATION OF OCCURRENCE (include city & state)	DESCRIPTION OF OCCURRENCE (Use separate sheet, if necessary)	AUTHORITY CONTACTED
	CLMT, LUNSFORD, HAS CONTACTED INS RE DAMAGE TO HOUSE.. PORCH SEPARATING FROM HOUSE, ETC. EMC HAD COVERAGE FROM 1-1-00 TO 1-1-05	

POLICY INFORMATION

COVERAGE PART OR FORMS (insert form #s and edition dates)	GENERAL AGGREGATE 2000000	PROD/COMP OP AGG 2000000	PERS & ADV INJ 1000000	EACH OCCURRENCE 1000000	FIRE DAMAGE 100000	MEDICAL EXPENSE 5000	DEDUCTIBLE 1000	PER CLAIM/ACC X	PD BI SIR/DIC
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TYPE OF LIABILITY

PREMISES: INSURED IS OWNER'S NAME & ADDRESS (if not insured)	OWNER TENANT OTHER	TYPE OF PREMISES
PRODUCTS: INSURED IS MANUFACTURER'S NAME & ADDRESS (if not insured)	MANUFACTURER VENDOR OTHER	OWNERS' PHONE (A/C, No, Ext) TYPE OF PRODUCT MANUFACT' PHONE (A/C, No, Ext)
WHERE CAN PRODUCT BE SEEN?		
OTHER LIABILITY INCLUDING COMPLETED OPERATIONS (Explain)		

INJURED/PROPERTY DAMAGED

NAME & ADDRESS (Injured/Owner) MICHAEL LUNSFORD LTR FROM INS ATTACHED	PHONE (A/C, No, Ext)
AGE SEX OCCUPATION	PHONE (A/C, No, Ext)
DESCRIBE INJURY FATALITY	WHERE TAKEN WHAT WAS INJURED DOING?
DESCRIBE PROPERTY (Type, model, etc)	ESTIMATE AMOUNT WHERE CAN PROPERTY BE SEEN?
WITNESSES	WHEN CAN PROPERTY BE SEEN?

NAME & ADDRESS	BUSINESS PHONE (A/C, No, Ext)	RESIDENCE PHONE (A/C, No)
REMARKS FAXED TO EMC ON 10-27-04		
REPORTED BY INS	REPORTED TO RETHA	SIGNATURE OF INSURED
		SIGNATURE OF PRODUCER George W. Thompson, III

NOTE: IMPORTANT STATE INFORMATION ON REVERSE SIDE

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